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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,400	09/16/2003	Brig Barnum Elliott	02-4111	5030

7590 02/22/2006

Leonard C. Suchyta
c/o Christian Andersen
Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H01
Irving, TX 75038

EXAMINER

PEACHES, RANDY

ART UNIT PAPER NUMBER

2686

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/663,400</p>	<p>Applicant(s)</p> <p align="center">ELLIOTT, BRIG BARNUM</p>	
	<p>Examiner</p> <p align="center">Randy Peaches</p>	<p>Art Unit</p> <p align="center">2686</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-21,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-6, 13, 15-16 and 25-26*** are rejected under 35 U.S.C. 102(b) as being anticipated by Froula (U.S. Patent Number 6,356,767 B2).

Regarding ***claim 1***, Froula discloses a method for controlling access to a wireless communication system, which reads on claimed "system for facilitating wireless data communication," comprising:

- a base station controller (BSC, 120)(see column 1 lines 20-31 and column 3 lines 60-67, column 4 lines 1-9, which reads on claimed "non-wireless operations center," configured to implement mobile access parameters, which reads on claimed "access control rules," within a communication system. See column 2 lines 56-67 and column 3 lines 1-5;
- a said base station (140) , which reads on claimed "access device," different from and connected via a wire-line to the said BSC, configured to provide preferential access via an access parameter message (column 3 lines 21-23) to a network to critical devices over non-critical devices, which reads on claimed "emergency and non-emergency devices," within the

communication system based on the said mobile access parameters. See column 3 lines 31-47.

Regarding **claim 2**, according to **claim 1**, Froula continues to disclose wherein the said base station provides mobile access parameter that dictates the control information for a said mobile device. See column 3 lines 20-42.

Regarding **claim 3**, according to **claim 1**, Froula continues to disclose wherein the said mobile access parameters reside in the memory (440) of the said base station (145). See column 8 lines 28-40;

- wherein the said base station (145) is configured to send control information to activate the said mobile access parameters. See column 8 lines 10-27.

Regarding **claim 4**, according to **claim 1**, Froula continues to disclose wherein the said base station includes a transmitter (450) , which reads on claimed "wireless access point," configured to wirelessly communicate with said non-critical and critical devices. See column 8 lines 41-48.

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Regarding **claim 5**, according to **claim 4**, Froula continues to disclose wherein the said base station (145) includes:

- a processor(430) configured to filter information based on the said control information. See column 8 lines 10-27; and
- a receiver(410) connected to the said processor (430) and configured to send and receive wireless information form the said mobile devices. See column 8 line 41-47.

Regarding **claim 6**, according to **claim 1**, Froula discloses method for controlling access to a wireless communication system comprising:

- at least one base station, which reads on claimed "wireless access point," configured to wirelessly communicate with critical and non-critical devices. See column 2 lines 2-30;
- As disclosed in column 8 lines 10-27, Froula discloses wherein the said base station includes a mobile access detector capable of monitoring the parameters of the said mobile devices and relaying the said information to a processor to generate control information based on the parameters. See column 8 lines 10-27.

Regarding **claim 13**, Froula teaches of a method comprising:

- validating an emergency message. See column 3 lines 23-28;

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- implementing control information, which reads on claimed "access control rules," based on the mobile access parameters, which reads on claimed "emergency message." See column 3 lines 31-47;
- controlling access by the wireless data device to give preference to critical devices, which reads on claimed "emergency devices," based on the said control information. See column 3 lines 21-23 and column 3 lines 31-47.
- altering the emergency message responsive to the development stage of the emergency. Froula discloses in column 3 lines 2-47 wherein during certain situation, the critical mobile terminal is not prevented access to the channel based on the level of access deemed for that mobile terminal at that time.

Regarding **claim 15**, according to **claim 13**, Froula continues to disclose wherein the implementing includes

extracting the said mobile access parameter from the said control information and installing the said mobile access parameters. See column 3 lines 20-42.

Regarding **claim 16**, according to **claim 13**, Froula discloses wherein the implementing includes: Providing parameters from the said control information to installed mobile access parameters. See column 3 lines 2-47.

Regarding **claim 25**, Froula discloses a system for providing emergency wireless data access in a network comprising:

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- a base station (140) means for receiving communication requests that were initiated by wireless device. See column 3 lines 31-34;
- a base station controller (120) means for storing mobile access parameters and controlling wireless data access during an emergency. See column 8 lines 28-40;
- a means for selectively processing the communication requests in accordance with the access control rules during the said emergency. See column 8 lines 28-40.

Regarding **claim 26**, according to **claim 25**, Froula continues to disclose wherein the means for receiving includes:

- a means for receiving wireless data from the wireless device. See column 8 lines 10-27;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. **Claims 7-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Varney et al. (U.S. Patent Publication Number 2004/0095954 A1) in view of Froula (U.S. Patent Number 6,356,767 B2).

Regarding **claim 7**, Varney et al. discloses a method comprising:

- determining a need for an emergency zone in which wireless data access is to be restricted to emergency personnel, which reads on claimed "emergency device." See paragraph [0005];
- associating cell site, which reads on claimed "one or more access devices," with the emergency zone. See paragraph [0005]; and
- sending a priority access code, which reads on claimed "emergency message," to the said cell site for wireless data access within the emergency zone to be restricted to the emergency personnel. See paragraph [0005].

However, Varney fails to clearly disclose wherein altering the emergency message responsive to the development stage of the emergency.

Froula discloses in column 3 lines 2-47 wherein during certain situation, the critical mobile terminal is not prevented access to the channel based on the level of access deemed for that mobile terminal at that time.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Varney to include Froula in order to provide a system capable of adjusting the emergency access level of the said mobile terminal during different stages of operation.

Regarding **claim 8**, as the combination of Varney and Froula are made, the combination according to **claim 7**, Varney et al. continues to disclose wherein the association includes:

- designating, by a centralized emergency-servicing agency, which reads on claimed "network operator," a set of access device as corresponding to the emergency zone. See parameter [0005].

Regarding **claim 9**, as the combination of Varney and Froula are made, the combination according to **claim 7**, Varney et al. continues to disclose wherein the said priority access code includes control rules for provisioning of the said cell site, which reads on claimed "storage in and implementation by one or more access devices." See paragraph [0005 and 0020].

Regarding **claim 10**, as the combination of Varney and Froula are made, the combination according to **claim 7**, Varney et al. continues to disclose wherein the emergency message included one or more commands to activate access control rules that reside in the one or more access devices. Varney et al. teaches in paragraph [0005] wherein the service priority grouping is a group of cell sites deemed as the emergency coverage area. See paragraph [0020].

Regarding **claim 11**, as the combination of Varney and Froula are made, the combination according to **claim 7**, Varney et al. continues to disclose sending the

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emergency message to one or more wireless access points that wirelessly communicate with the emergency devices. The priority access code is sent to the cell site. See paragraph [0005].

Regarding **claim 12**, as the combination of Varney and Froula are made, the combination according to **claim 7**, Varney et al. continues to disclose sending the emergency message to one or more SGSN, which reads on claimed "gateway devices", that control traffic from one or more wireless access points. See paragraph [0017].

3. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Froula (U.S. Patent Number 6,356,767 B2) in view of Schweitzer (U.S. Patent Publication Number 2002/0176545 A1).

Regarding **claim 14**, according to **claim 13**, Froula teaches of a method comprising:

- validating and emergency message. See column 3 lines 23-28;
- implementing control information, which reads on claimed "access control rules," based on the mobile access parameters, which reads on claimed "emergency message." See column 3 lines 31-47;
- controlling access by the wireless data device to give preference to critical devices, which reads on claimed "emergency devices," based on the said control information. See column 3 lines 21-23 and column 3 lines 31-47.

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However, Froula fails to disclose wherein cryptography is used to validate the emergency message using cryptography

Schweitzer teaches in paragraph [0061] wherein an emergency message is issued used the highest level of encryption.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Froula to include Schweitzer in order to provide the emergency message, sent to designated device, with the highest level encryption to ensure the security of the message is not violated.

4. **Claims 17 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Froula (U.S. Patent Number 6,356,767 B2) in view of Varney et al. (U.S. Patent Publication Number 2004/0095954 A1).

Regarding **claim 17**, according to **claim 13**, Froula teaches of a method comprising:

- validating and emergency message. See column 3 lines 23-28;
- implementing control information, which reads on claimed "access control rules," based on the mobile access parameters, which reads on claimed "emergency message." See column 3 lines 31-47;
- controlling access by the wireless data device to give preference to critical devices, which reads on claimed "emergency devices," based on the said control information. See column 3 lines 21-23 and column 3 lines 31-47.

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However, Froula fails to disclose wherein controlling the access includes limiting wireless data access to emergency devices based on a set of addresses.

Varney et al. teaches wherein a text messages are sent to emergency personnel in the area of concern; therefore, it is obvious that an address is used to designate the recipient of the message. See paragraph [0020].

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Froula to include Varney et al. in order to provide a means to send information to a selected group of emergency devices via an address scheme.

Regarding **claim 19**, as the combination of Froula and Varney et al. is made, the combination according to **claim 17**, Froula fails to disclose wherein the set of address includes Internet protocol addresses.

Varney et al. discloses in paragraph [0020 and 0021] wherein the messages are sent via a URL.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Froula to include Varney et al. in order to provide a means to send information to a selected group of emergency devices via an address scheme.

Regarding **claim 20**, as the combination of Froula and Varney et al. is made, the combination according to **claim 17**, Froula fails to disclose wherein the limiting

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wireless data access includes selectively refusing to complete a communication protocol handshake.

Varney et al. discloses in paragraph [0027] wherein if determination is made which indicates that the mobile subscriber should be denied service, the call process is ended.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Froula to include Varney et al. in order to provide a means to send information to a selected group of emergency devices via an address scheme; however, if it is determined that the said mobile device shall be denied, the process ended.

Regarding **claim 21**, as the combination of Froula and Varney et al. is made, the combination according to **claim 13**, Froula fails to disclose wherein the controlling access includes:

limiting wireless data access to emergency devices based on the authentication information provided by the said emergency device.

Varney et al. teaches in paragraph [0027] wherein the identity of the said mobile device and the received priority access code is compared against each other to verify authenticity.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Froula to include Varney et al. in order to provide a means to send information to a selected group of emergency devices

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via an address scheme; however, if it is determined that the said mobile device shall be denied, the process ended, otherwise the process continues.

5. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Froula (U.S. Patent Number 6,356,767 B2) in view of Varney et al. (U.S. Patent Publication Number 2004/0095954 A1) in further view of Tari et al. (U.S. Patent Number 6,542,491 B1).

Regarding **claim 18**, as the combination of Froula and Varney et al. are made, the combination according to claim 17, fails to clearly disclose wherein the set of address includes media access control (MAC) address.

Tari et al. discloses in column 7 lines 9-15 of IP address including the identifier for each of the devices. This identifier is the MAC address belonging to that said device.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Froula and Varney et al. to include Tari et al. in order to provide an identifying mean for each of the said devices being sent control information during an event of an emergency.

Allowable Subject Matter

Claims 22-24 and 27 are allowed over the cited prior art, at this stage, based on the premise that the prior art fails to clearly disclose establishing a

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default rule that will include all access point, never include certain access points or include certain access points based on extent of the overlapping.

Response to Arguments

Applicant's arguments with respect to ***claim 1-21 and 25-26*** have been considered but are moot in view of the new ground(s) of rejection.

Regarding the Applicant's arguments, the Examiner have fully consider; however, based on the newly cited Office Action, claims 1-21 and 25-27 stand rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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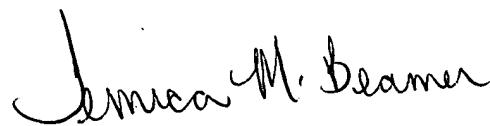
the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
February 9, 2006



TEMICA BEAMER
PRIMARY EXAMINER

2/15/06